

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

THIS IS A CAPITAL CASE

MARCEL WAYNE WILLIAMS

PETITIONER

v.

No. 5:02CV00450 JLH

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

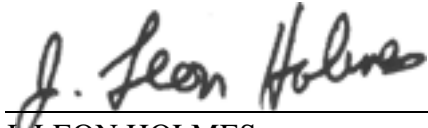
JUDGMENT AND DECREE

Pursuant to the Opinion entered separately today, the petition of Marcel Wayne Williams for writ of habeas corpus is GRANTED IN PART and DENIED IN PART. The petition is GRANTED as to the claim of Marcel Wayne Williams that errors and omissions of his trial lawyers during the penalty phase of the trial deprived him of his constitutional rights to the effective assistance of counsel and to a fair trial at the penalty phase. The petition of Marcel Wayne Williams is DENIED as to all other claims.

Because Williams was given a fair trial at the guilt phase but denied a fair trial at the penalty phase, his convictions of capital murder, kidnapping, rape, and aggravated robbery will not be set aside, but his death sentence will be set aside. The State of Arkansas must afford Williams a new trial at the penalty phase within 120 days of the entry of this Judgment and Decree or change his penalty to life imprisonment without parole.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED that a writ of habeas corpus be issued vacating the death sentence imposed on Marcel Wayne Williams and reducing his sentence to a term of life imprisonment without parole unless the State of Arkansas conducts a new penalty phase proceeding within 120 days of the entry of this Judgment and Decree.

IT IS SO ORDERED this 11th day of April, 2007.

A handwritten signature in black ink, reading "J. Leon Holmes". The signature is written in a cursive, flowing style. The "J" is large and loops around the "L". The "H" is also large and loops around the "M". The "S" is written with a long, sweeping tail that extends to the right.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE